

## Coast Guard, DHS

## § 27.3

Act, nor shall it obligate the master of any vessel to moor or anchor his vessel; however, the loss of radiotelephone capability shall be given consideration in the navigation of the vessel.

### § 26.07 Communications.

No person may use the services of, and no person may serve as, a person required to maintain a listening watch under section 5 of the Act, 33 U.S.C. 1204, unless the person can communicate in the English language.

[CGD 90-020, 59 FR 36323, July 15, 1994, as amended by CGD 95-033, 60 FR 28329, May 31, 1995]

### § 26.08 Exemption procedures.

(a) The Commandant has redelegated to the Assistant Commandant for Marine Safety, Security and Environmental Protection, U.S. Coast Guard Headquarters, with the reservation that this authority shall not be further redelegated, the authority to grant exemptions from provisions of the Vessel Bridge-to-Bridge Radiotelephone Act and this part.

(b) Any person may petition for an exemption from any provision of the Act or this part;

(c) Each petition must be submitted in writing to U.S. Coast Guard, Marine Safety, Security and Environmental Protection, 2100 Second Street SW., Washington, DC 20593-0001, and must state:

(1) The provisions of the Act or this part from which an exemption is requested; and

(2) The reasons why marine navigation will not be adversely affected if the exemption is granted and if the exemption relates to a local communication system how that system would fully comply with the intent of the concept of the Act but would not conform in detail if the exemption is granted.

[CGD 71-114R, 37 FR 12720, June 28, 1972, as amended by CGD 73-256, 39 FR 9176, Mar. 8, 1974; CGD 88-052, 53 FR 25119, July 1, 1988; CGD 95-057, 60 FR 34150, June 30, 1995; CGD 96-026, 61 FR 33663, June 28, 1996; CGD 97-023, 62 FR 33362, June 19, 1997; USCG-2002-12471, 67 FR 41331, June 18, 2002]

### § 26.09 List of exemptions.

(a) All vessels navigating on those waters governed by the navigation rules for Great Lakes and their connecting and tributary waters (33 U.S.C. 241 et seq.) are exempt from the requirements of the Vessel Bridge-to-Bridge Radiotelephone Act and this part until May 6, 1975.

(b) Each vessel navigating on the Great Lakes as defined in the Inland Navigational Rules Act of 1980 (33 U.S.C. 2001 et seq.) and to which the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1201-1208) applies is exempt from the requirements in 33 U.S.C. 1203, 1204, and 1205 and the regulations under §§ 26.03, 26.04, 26.05, 26.06, and 26.07. Each of these vessels and each person to whom 33 U.S.C. 1208(a) applies must comply with Articles VII, X, XI, XII, XIII, XV, and XVI and Technical Regulations 1-9 of "The Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973."

[CGD 72-223R, 37 FR 28633, Dec. 28, 1972, as amended by CGD 74-291, 39 FR 44980, Dec. 30, 1974; CGD 83-003, 48 FR 7442, Feb. 18, 1983; CGD 91-046, 57 FR 14486, Apr. 21, 1992]

## PART 27—ADJUSTMENT OF CIVIL MONETARY PENALTIES FOR INFLATION

Sec.

27.3 Penalty Adjustment Table.

AUTHORITY: Secs. 1-6, Pub. L. 101-410, 104 Stat. 890, as amended by Sec. 31001(s)(1), Pub. L. 104-134, 110 Stat. 1321 (28 U.S.C. 2461 note); Department of Homeland Security Delegation No. 0170.1, sec. 2 (106).

SOURCE: CGD 96-052, 62 FR 16700, Apr. 8, 1997, unless otherwise noted.

### § 27.3 Penalty Table.

Table 1 lists sections of the United States Code that authorize civil monetary penalties for laws administered by the Coast Guard. These penalties are assessable in either civil judicial or administrative proceedings. Table 1 is periodically amended to reflect relevant changes in the United States Code and to show adjustments in penalty amounts that are mandated by the

## § 27.3

## 33 CFR Ch. I (7–1–06 Edition)

Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, but Table 1 will not reflect statutory changes that may take effect subsequent to the most recent amendment

of Table 1. In any case of conflict between Table 1 and the current provisions of the United States Code or another Federal statute, the current Code or statutory provision is controlling.

TABLE 1—CIVIL MONETARY PENALTIES

U.S. Code citation	Civil monetary penalty description	Statutory penalty (\$)	Inflation adjustments per 1990 Act as amended (\$)
14 U.S.C. 88(c) .....	Saving Life and Property .....	5,000	6,500
14 U.S.C. 645(i) .....	Confidentiality of Medical Quality Assurance Records (first offense) .....	3,000	3,300
14 U.S.C. 645(i) .....	Confidentiality of Medical Quality Assurance Records (subsequent offenses) .....	20,000	27,000
16 U.S.C. 4711(g)(1) .....	Aquatic Nuisance Species in Waters of the United States .....	25,000	27,500
19 U.S.C. 70 .....	Obstruction of Revenue Officers by Masters of Vessels .....	2,000	2,200
19 U.S.C. 70 .....	Obstruction of Revenue Officers by Masters of Vessels—Minimum Penalty .....	500	550
19 U.S.C. 1581(d) .....	Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge .....	5,000	(**)
19 U.S.C. 1581(d) .....	Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge—Minimum Penalty .....	1,000	(**)
33 U.S.C. 471 .....	Anchorage Ground/Harbor Regulations General .....	100	110
33 U.S.C. 474 .....	Anchorage Ground/Harbor Regulations St. Mary's river .....	200	220
33 U.S.C. 495(b) .....	Bridges/Failure to Comply with Regulations .....	* 5,000	(***)
33 U.S.C. 499(c) .....	Bridges/Drawbridges .....	* 5,000	(***)
33 U.S.C. 502(c) .....	Bridges/Failure to Alter Bridge Obstructing Navigation .....	* 5,000	(***)
33 U.S.C. 533(b) .....	Bridges/Maintenance and Operation .....	* 5,000	(***)
33 U.S.C. 1208(a) .....	Bridge to Bridge Communication; Master, Person in Charge or Pilot .....	500	650
33 U.S.C. 1208(b) .....	Bridge to Bridge Communication; Vessel .....	500	650
33 U.S.C. 1232(a) .....	PWSA Regulations .....	25,000	32,500
33 U.S.C. 1236(b) .....	Vessel Navigation: Regattas or Marine Parades; Unlicensed Person in Charge .....	5,000	6,500
33 U.S.C. 1236(c) .....	Vessel Navigation: Regattas or Marine Parades; Owner Onboard Vessel .....	5,000	6,500
33 U.S.C. 1236(d) .....	Vessel Navigation: Regattas or Marine Parades; Other Persons .....	2,500	2,750
33 U.S.C. 1321(b)(6)(B)(i) .....	Oil/Hazardous Substances: Discharges (Class I per violation) .....	10,000	11,000
33 U.S.C. 1321(b)(6)(B)(i) .....	Oil/Hazardous Substances: Discharges (Class I total under paragraph) .....	25,000	32,500
33 U.S.C. 1321(b)(6)(B)(ii) .....	Oil/Hazardous Substances: Discharges (Class II per day of violation) .....	10,000	11,000
33 U.S.C. 1321(b)(6)(B)(ii) .....	Oil/Hazardous Substances: Discharges (Class II total under paragraph) .....	125,000	157,500
33 U.S.C. 1321(b)(7)(A) .....	Oil/Hazardous Substances: Discharges (per day of violation) Judicial Assessment .....	25,000	32,500
33 U.S.C. 1321(b)(7)(A) .....	Oil/Hazardous Substances: Discharges (per barrel of oil or unit discharged) Judicial Assessment .....	1,000	1,100
33 U.S.C. 1321(b)(7)(B) .....	Oil/Hazardous Substances: Failure to Carry Out Removal/Comply With Order (Judicial Assessment) .....	25,000	32,500
33 U.S.C. 1321(b)(7)(C) .....	Oil/Hazardous Substances: Failure to Comply with Regulation Issued Under 1321(j) (Judicial Assessment) .....	25,000	32,500
33 U.S.C. 1321(b)(7)(D) .....	Oil/Hazardous Substances: Discharges, Gross Negligence (per barrel of oil or unit discharged) Judicial Assessment .....	3,000	3,300
33 U.S.C. 1321(b)(7)(D) .....	Oil/Hazardous Substances: Discharges, Gross Negligence—Minimum Penalty (Judicial Assessment) .....	100,000	110,000
33 U.S.C. 1322(j) .....	Marine Sanitation Devices; Operating .....	2,000	2,200
33 U.S.C. 1322(j) .....	Marine Sanitation Devices; Sale or Manufacture .....	5,000	6,500
33 U.S.C. 1517(a) .....	Deepwater Ports; Oil Discharge .....	10,000	11,000
33 U.S.C. 1608(a) .....	International Navigation Rules; Operator .....	5,000	6,500
33 U.S.C. 1608(b) .....	International Navigation Rules; Vessel .....	5,000	6,500
33 U.S.C. 1908(b)(1) .....	Pollution from Ships; General .....	25,000	32,500

TABLE 1—CIVIL MONETARY PENALTIES—Continued

U.S. Code citation	Civil monetary penalty description	Statutory penalty (\$)	Inflation adjustments per 1990 Act as amended (\$)
33 U.S.C. 1908(b)(2)	Pollution from Ships; False Statement	5,000	6,500
33 U.S.C. 2072(a)	Inland Navigation Rules; Operator	5,000	6,500
33 U.S.C. 2072(b)	Inland Navigation Rules; Vessel	5,000	6,500
33 U.S.C. 2609(a)	Shore Protection; General	25,000	32,500
33 U.S.C. 2609(b)	Shore Protection; Operating Without Permit	10,000	11,000
33 U.S.C. 2716a(a)	Oil Pollution Liability and Compensation	25,000	32,500
42 U.S.C. 9609(a)	Hazardous Substances, Releases, Liability, Compensation (Class I).	25,000	27,500
42 U.S.C. 9609(b)	Hazardous Substances, Releases, Liability, Compensation (Class II).	25,000	27,500
42 U.S.C. 9609(b)	Hazardous Substances, Releases, Liability, Compensation (Class II subsequent offense).	75,000	82,500
42 U.S.C. 9609(c)	Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment).	25,000	27,500
42 U.S.C. 9609(d)	Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment subsequent offense).	75,000	82,500
46 U.S.C. App 1505(a)(2)	Safe Containers for International Cargo	5,000	6,500
46 U.S.C. App 1805(c)(2)	Suspension of Passenger Service	50,000	60,000
46 U.S.C. 2110(e)	Vessel Inspection or Examination Fees	5,000	6,500
46 U.S.C. 2115	Alcohol and Dangerous Drug Testing	5,000	5,500
46 U.S.C. 2302(a)	Negligent Operations: Recreational Vessels	5,000	(***)
46 U.S.C. 2302(a)	Negligent Operations: Other Vessels	25,000	(***)
46 U.S.C. 2302(c)(1)	Operating a Vessel While Under the Influence of Alcohol or a Dangerous Drug.	5,000	5,500
46 U.S.C. 2306(a)(4)	Vessel Reporting Requirements: Owner, Charterer, Managing Operator, or Agent.	5,000	6,500
46 U.S.C. 2306(b)(2)	Vessel Reporting Requirements: Master	1,000	1,100
46 U.S.C. 3102(c)(1)	Immersion Suits	5,000	6,500
46 U.S.C. 3302(i)(5)	Inspection Permit	1,000	1,100
46 U.S.C. 3318(a)	Vessel Inspection; General	5,000	6,500
46 U.S.C. 3318(g)	Vessel Inspection; Nautical School Vessel	5,000	6,500
46 U.S.C. 3318(h)	Vessel Inspection; Failure to Give Notice IAW 3304(b).	1,000	1,100
46 U.S.C. 3318(i)	Vessel Inspection; Failure to Give Notice IAW 3309(c).	1,000	1,100
46 U.S.C. 3318(j)(1)	Vessel Inspection; Vessel ≥ 1600 Gross Tons	10,000	11,000
46 U.S.C. 3318(j)(1)	Vessel Inspection; Vessel < 1600 Gross Tons	2,000	2,200
46 U.S.C. 3318(k)	Vessel Inspection; Failure to Comply with 3311(b)	10,000	11,000
46 U.S.C. 3318(l)	Vessel Inspection; Violation of 3318(b)–3318(f)	5,000	6,500
46 U.S.C. 3502(e)	List/count of Passengers	100	110
46 U.S.C. 3504(c)	Notification to Passengers	10,000	11,000
46 U.S.C. 3504(c)	Notification to Passengers; Sale of Tickets	500	650
46 U.S.C. 3506	Copies of Laws on Passenger Vessels; Master	200	220
46 U.S.C. 3718(a)(1)	Liquid Bulk/Dangerous Cargo	25,000	32,500
46 U.S.C. 4106	Uninspected Vessels	5,000	6,500
46 U.S.C. 4311(b)(1)	Recreational Vessels (maximum for related series of violations).	250,000	(***)
46 U.S.C. 4311(b)(1)	Recreational Vessels; Violation of 4307(a)	5,000	(***)
46 U.S.C. 4311(c)	Recreational vessels	1,000	1,100
46 U.S.C. 4507(a)	Uninspected Commercial Fishing Industry Vessels	5,000	6,500
46 U.S.C. 4703	Abandonment of Barges	1,000	1,100
46 U.S.C. 5116(a)	Load Lines	5,000	6,500
46 U.S.C. 5116(b)	Load Lines; Violation of 5112(a)	10,000	11,000
46 U.S.C. 5116(c)	Load Lines; Violation of 5112(b)	5,000	6,500
46 U.S.C. 6103(a)	Reporting Marine Casualties	25,000	27,500
46 U.S.C. 6103(b)	Reporting Marine Casualties; Violation of 6104	5,000	6,500
46 U.S.C. 8101(e)	Manning of Inspected Vessels; Failure to Report Deficiency in Vessel Complement.	1,000	1,100
46 U.S.C. 8101(f)	Manning of Inspected Vessels	10,000	11,000
46 U.S.C. 8101(g)	Manning of Inspected Vessels; Employing or Serving in Capacity not Licensed by USCG.	10,000	11,000
46 U.S.C. 8101(h)	Manning of Inspected Vessels; Freight Vessel < 100 GT, Small Passenger Vessel, or Sailing School Vessel.	1,000	1,100
46 U.S.C. 8102(a)	Watchmen on Passenger Vessels	1,000	1,100
46 U.S.C. 8103(f)	Citizenship Requirements	500	650
46 U.S.C. 8104(i)	Watches on Vessels; Violation of 8104(a) or (b)	10,000	11,000

TABLE 1—CIVIL MONETARY PENALTIES—Continued

U.S. Code citation	Civil monetary penalty description	Statutory penalty (\$)	Inflation adjustments per 1990 Act as amended (\$)
46 U.S.C. 8104(j) .....	Watches on Vessels; Violation of 8104(c), (d), (e), or (h).	10,000	11,000
46 U.S.C. 8302(e) .....	Staff Department on Vessels .....	100	110
46 U.S.C. 8304(d) .....	Officer's Competency Certificates .....	100	110
46 U.S.C. 8502(e) .....	Coastwise Pilotage; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge.	10,000	11,000
46 U.S.C. 8502(f) .....	Coastwise Pilotage; Individual .....	10,000	11,000
46 U.S.C. 8503 .....	Federal Pilots .....	25,000	32,500
46 U.S.C. 8701(d) .....	Merchant Mariners Documents .....	500	650
46 U.S.C. 8702(e) .....	Crew Requirements .....	10,000	11,000
46 U.S.C. 8906 .....	Small Vessel Manning .....	25,000	27,500
46 U.S.C. 9308(a) .....	Pilotage: Great Lakes; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge.	10,000	11,000
46 U.S.C. 9308(b) .....	Pilotage: Great Lakes; Individual .....	10,000	11,000
46 U.S.C. 9308(c) .....	Pilotage: Great Lakes; Violation of 9303 .....	10,000	11,000
46 U.S.C. 10104(b) .....	Failure to Report Sexual Offense .....	5,000	6,500
46 U.S.C. 10314(a)(2) .....	Pay Advances to Seamen .....	500	650
46 U.S.C. 10314(b) .....	Pay Advances to Seamen; Remuneration for Employment.	500	650
46 U.S.C. 10315(c) .....	Allotment to Seamen .....	500	650
46 U.S.C. 10321 .....	Seamen Protection; General .....	5,000	5,500
46 U.S.C. 10505(a)(2) .....	Coastwise Voyages: Advances .....	5,000	5,500
46 U.S.C. 10505(b) .....	Coastwise Voyages: Advances; Remuneration for Employment.	5,000	5,500
46 U.S.C. 10508(b) .....	Coastwise Voyages: Seamen Protection; General ...	5,000	5,500
46 U.S.C. 10711 .....	Effects of Deceased Seamen .....	200	220
46 U.S.C. 10902(a)(2) .....	Complaints of Unfitness .....	500	650
46 U.S.C. 10903(d) .....	Proceedings on Examination of Vessel .....	100	110
46 U.S.C. 10907(b) .....	Permission to Make Complaint .....	500	650
46 U.S.C. 11101(f) .....	Accommodations for Seamen .....	500	650
46 U.S.C. 11102(b) .....	Medicine Chests on Vessels .....	500	650
46 U.S.C. 11104(b) .....	Destitute Seamen .....	100	110
46 U.S.C. 11105(c) .....	Wages on Discharge .....	500	650
46 U.S.C. 11303(a) .....	Log Books; Master Failing to Maintain .....	200	220
46 U.S.C. 11303(b) .....	Log Books; Master Failing to Make Entry .....	200	220
46 U.S.C. 11303(c) .....	Log Books; Late Entry .....	150	165
46 U.S.C. 11506 .....	Carrying of Sheath Knives .....	50	65
46 U.S.C. 12122(a) .....	Vessel Documentation .....	10,000	11,000
46 U.S.C. 12122(c) .....	Vessel Documentation; Fishery Endorsement .....	100,000	110,000
46 U.S.C. 12309(b) .....	Numbering of Undocumented Vessels .....	1,000	1,100
46 U.S.C. 12507(b) .....	Vessel Identification System .....	10,000	11,000
46 U.S.C. 14701 .....	Measurement of Vessels .....	20,000	27,000
46 U.S.C. 14702 .....	Measurement; False Statements .....	20,000	27,000
46 U.S.C. 31309 .....	Commercial Instruments and Maritime Liens .....	10,000	11,000
46 U.S.C. 31330(a)(2) .....	Commercial Instruments and Maritime Liens; Mortgage.	10,000	11,000
46 U.S.C. 31330(b)(2) .....	Commercial Instruments and Maritime Liens; Violation of 31329.	25,000	27,500
46 U.S.C. 70119 .....	Port Security .....	25,000	(***)
49 U.S.C. 5123(a)(1) .....	Hazardous Materials: Related to Vessels .....	25,000	32,500
49 U.S.C. 5123(a)(1) .....	Hazardous Materials: Related to Vessels—Minimum Penalty.	250	275

\*These penalties will increase in accordance with the statute to: \$10,000 in 2005, \$15,000 in 2006, \$20,000 in 2007, and \$25,000 in 2008 and thereafter.

\*\* Enacted under the Tariff Act of 1930, exempt from inflation adjustments.

\*\*\* These penalties did not qualify for an adjustment under the rounding rules of the Act.

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EDITORIAL NOTE: This listing is provided for informational purposes only. It is compiled and kept up-to-date by the Coast Guard, Department of Homeland Security, and is revised through July 1, 2006.

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